

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6388 of 2007

Dated: 30.03.2007

Between:

P. Ravi Prakash Rao.

..... PETITIONER

AND

The Senior Commandant,
Central industrial Security Force,
Suraksha Campus (PO),
Arakkonam (T.N) and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6388 of 2007

Order:

The petitioner states that he is working as a Constable in the Central Industrial Security Force, and that on 25.09.2006 as he received a message from his wife that their son was missing, he applied for leave till 26.10.2006 and left to his native place for search of his missing son. He further states that as his son was not traced even by 26.10.2006, he sent an application to the

1st respondent through registered post on 26.10.2006, seeking to permit him to go on voluntary retirement. The grievance of the petitioner is that the respondents, without considering his application for voluntary retirement and without passing any orders thereon, have issued the impugned notice directing him to appear before the Enquiry Officer. Questioning the said enquiry notice, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

By this writ petition, the petitioner is questioning the enquiry notice dated 08.03.2007 issued by the respondents on the ground that the application filed by him, seeking voluntary retirement, is pending consideration before them. That cannot be a ground for questioning the enquiry notice. Since the respondents issued a notice directing him to appear before the Enquiry Officer, the only course open to the petitioner is to appear before the Enquiry Officer, participate in the enquiry and raise his objections, if any, before the Enquiry Officer, but certainly the

petitioner cannot question the enquiry notice on the ground that the application filed by him seeking voluntary retirement is pending before the respondents.

The writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner is at liberty to participate in the Enquiry and raise his objections, if any, before the Enquiry Officer. No costs.

N.V. RAMANA, J.

Date: 30.03.2007

Nsr